

SERVICE DATE – LATE RELEASE APRIL 26, 2004

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33388 (Sub-No. 91)

CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
— CONTROL AND OPERATING LEASES/AGREEMENTS —  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

[GENERAL OVERSIGHT]

Decision No. 16

Decided: April 26, 2004

In Decision No. 12 (served February 12, 2004, and published in the Federal Register on February 18, 2004, at 69 FR 7664), the Board announced that two public hearings would be held in this proceeding: the first on Friday, April 2, 2004, in Trenton, NJ; and the second on Monday, May 3, 2004, in Washington, D.C. The April 2nd hearing was held in Trenton, NJ. The May 3rd hearing will be held beginning at 10:00 a.m., in Room 760, the Board's Hearing Room, on the 7th floor at the Board's headquarters in the Mercury Building, 1925 K Street, N.W., Washington, D.C.

As specified in Decision No. 12, any person wishing to speak at the May 3rd hearing was instructed to file with the Board, as soon as possible but no later than April 16, 2004, a written notice of intent to speak, along with a requested time allotment. Such notices of intent to speak have been filed.

The Board is now issuing this decision to set a schedule for the May 3rd hearing. The schedule of appearances and the time provided for each person speaking at the hearing appear in the Appendix to this decision.

As on past occasions, the Board requests that all persons attending the hearing use the Mercury Building's main entrance at 1925 K Street, N.W. (on the northeast corner of the intersection of 20th and K Streets). There will be no reserved seating. Please plan to arrive early enough to be seated no later than 9:45 a.m. (Board staff will begin admitting people to the Hearing Room at 9:00 a.m.). For security reasons, upon entering the Mercury Building, all persons should be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags, and any other bags. Visitors must be cleared through security in the Board's

Suite 100 (on the 1st Floor of the Mercury Building, at the top of the ramp to the left of the main lobby) prior to being escorted to the Hearing Room.

The Board's Hearing Room complies with the Americans With Disabilities Act, and persons needing accommodations should contact the Board's Office of Proceedings at (202) 565-1618 by noon, April 29, 2004.

If a party wishes to enhance its presentation by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the Hearing Room's projection system on Friday, April 30, 2004, from 2:00-4:00 p.m. Please call (202) 565-1618 to make arrangements.

Quiet laptops and tape recorders may be brought into the Hearing Room, but no provision will be made for the connection of personal computers to Board telephone lines. Cellular telephone use is not permitted in the Hearing Room, or in the rear anteroom. Cellular phones may only be used outside the Hearing Room.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Time at the May 3rd public hearing is allotted as reflected in the Appendix to this decision. CSX Corporation and CSX Transportation, Inc. (collectively CSX), and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively NS) may reserve part of their time to address at the end of the hearing any concerns that may be raised.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

**APPENDIX**

**SCHEDULE OF APPEARANCES**

| <b><u>PARTY</u></b>   | <b><u>TIME ALLOTTED</u></b> |
|---|-----------------------------|
| <b>PANEL I</b>  |                             |
| CSX Corporation and CSX Transportation, Inc.<br>(collectively CSX), and Norfolk Southern<br>Corporation and Norfolk Southern Railway<br>Company (collectively NS)<br><b>Speakers:</b> Michael J. Ward on behalf of CSX,<br>and David R. Goode on behalf of NS | 45 minutes                  |
| <b>PANEL II</b>   |                             |
| U.S. Department of Transportation<br><b>Speaker:</b> Paul Samuel Smith, Senior Trial Attorney   | 5 minutes                   |
| The Cities of East Chicago, Hammond, Gary and Whiting,<br>Indiana (The Four City Consortium)<br><b>Speaker:</b> The Honorable Scott L. King, Mayor of the<br>City of Gary   | 15 minutes                  |
| Commonwealth of Pennsylvania (Department of<br>Community and Economic Development)<br><b>Speaker:</b> (Will be announced in advance of the hearing)   | 10 minutes                  |
| State of New York, acting by and through the New York State<br>Department of Transportation<br><b>Speaker:</b> (Will be announced in advance of the hearing)  | 15 minutes                  |
| Port Authority of New York and New Jersey<br><b>Speaker:</b> R. Adm. Richard M. Larrabee, U.S.C.G. Ret.,<br>Director of Port Commerce   | 15 minutes                  |

**PANEL III**

American Chemistry Council 10 minutes

**Speaker:** (Will be announced in advance of the hearing)

Kinder Morgan Liquids Terminals LLC 10 minutes

**Speaker:** John C. Gallaher

CONSOL Energy 5 minutes

**Speaker:** Christopher T. Marsh, General Manager -  
Transportation

PPL Energy Plus 5 minutes

**Speaker:** B. Michael Scanlan, Coal Transportation Manager

Savage Services Corporation 5 minutes

**Speaker:** Donald W. Alexander, Senior Vice President - Operations

**PANEL IV**

Cemex, Inc. 5 minutes

**Speaker:** Kenneth R. Pramik, Director - Transportation

Clark's Feed Mill 5 minutes

**Speaker:** Rob Clark or Dennis Reitz

PA Distribution 5 minutes

**Speaker:** Tim Rickenbaugh

A & R Bulk-Pac, Inc. 5 minutes

**Speaker:** Avi Ron, President/Jason A. Blinkoff, Director,  
Sales & Marketing

**PANEL V**

Morristown & Erie Railway, Inc. 10 minutes

**Speaker:** Gordon R. Fuller, Chief Operating Officer

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| SEDA-COG Joint Rail Authority<br><b>Speaker:</b> Jeffrey K. Stover, Executive Director                         | 10 minutes |
| Anacostia & Pacific Corporation<br><b>Speaker:</b> Peter A. Gilbertson   | 10 minutes |
| Wheeling & Lake Erie Railway Company<br><b>Speaker:</b> Larry Parsons, Chairman and<br>Chief Executive Officer | 10 minutes |
| Ohio Central Railroad, Incorporated<br><b>Speaker:</b> William A. Strawn, II, President                        | 5 minutes  |